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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,170	11/26/2003	Javier Sanchez	WI878.0191	5531
32173 7590 03/03/2008 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER				
PHU, SANH D				
ART UNIT		PAPER NUMBER		
2618				
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03/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,170

Applicant(s)

SANCHEZ ET AL.

Examiner

/Sanh D. Phu/

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 11/8/07.

Accordingly, claims 1–14 are currently pending, of which non-elective claims 13 and 14 are withdrawn from consideration.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1–6 and 10–12 are rejected under 35 U.S.C. 102(e) as being anticipated by Pecan et al (2004/0095905), newly-cited.

–Regarding claim 1, Pecan et al discloses a method of reselecting a cell by a mobile terminal (“mobile station” or “UE”) in idle mode “standby”, (see

[0008]), in a cellular telecommunication network in which the network sends to the terminal a list "BA list", (see [0008]), containing information with regard to the UMTS cells to be identified, and the terminal periodically performs a series of procedures of identifying said cells and a series of intersystem measurements on the identified cells , (see [0008-0012]), wherein, between two successive procedures of identification, the terminal performs a series of procedures of measurement "5 received signal level measurement samples", (see [0009]), whose duration is fixed , indicated via being distributed as uniformly over an evaluated period, so that total duration for performing a procedure of measuring a first measurement sample of the "5 received signal level measurement samples", (the procedure of measuring a first measurement sample considered here equivalent with the limitation "procedure of identification"), and the subsequent series of procedures of measurement of last four measurement samples of the "5 received signal level measurement samples" is 5 seconds, namely less than 25 seconds (see [0009]).

-Regarding claim 2, Pecen et al discloses procedures of comparing the measurements performed for each cell against a predefined selection criterion "C31" (see [0010]) or "hysteresis parameter values" (see [0011]), and reselecting the UMTS cell according to a result of the comparing step (see [0010-0011]).

-Regarding claim 3, Pecen et al discloses procedure of performing the measurements on sliding time windows "period of 5 seconds" so as to obtain a mean value of said measurements "signal level average (RLA_P)" (see [0009]).

-Regarding claim 4, as similarly applied to claims 1-3, Pecen et al discloses that the terminal performs a confirmation measurement, indicated via a measurement for "signal level average (RLA_P)" (see [0009]), at the end of a maximum duration of five seconds at most following the identification of a new cell.

-Claim 5 is rejected with similar reasons set forth for claim 2.

-Claim 6 is rejected with similar reasons set forth for claim 3.

-Regarding claim 10, Pecen et al discloses a procedure (inherently included), in which the intersystem measurements are performed with a

frequency that is higher than the one for the procedures of identification, indicated via the mobile terminal "UE" monitors the serving cell carrier and all neighbor cell carriers indicated on the BA list to obtain RSSI measurements (see [[0008]]).

-Claim 11 is rejected with similar reasons set forth for claim 2.

-Claim 12 is rejected with similar reasons set forth for claim 3.

Allowable Subject Matter

4. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 11/8/07 have been fully considered.

As results, the previous rejections have been withdrawn, and claims 7-9 are indicated allowable set forth above.

Claims 1-6 and 10-12, however, are deemed not allowable because of reasons set forth above in this Office Action.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Sanh D. Phu/ whose telephone

number is (571)272-7857. The examiner can normally be reached on M-Fr from 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control
Number: 10/721,170
Art Unit: 2618

Page 8

/Sanh D Phu/
Primary Examiner
Art Unit 2618

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